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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,285	03/16/2004	Jason D. Hanzlik	10423US01	3049

7590 03/09/2006

Attention: Eric D. Levinson
Imation Corp.
Legal Affairs
P.O. Box 64898
St. Paul, MN 55164-0898

EXAMINER

NGUYEN, JOHN QUOC

ART UNIT PAPER NUMBER

3654

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,285

Applicant(s)

HANZLIK ET AL.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 and 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooper (US-6511010).

Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (US-6511010).

The average total waviness and the radial run-out would have been obvious matters of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria (such as required for a particular application), and costs (the ideal goal being zero waviness and radial run-out but may be cost-prohibitive). The wall thickness of the hub would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria (such as based on the amount and tension of the tape), space optimization (such as depending of cartridge size), and costs.

Claim 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Cooper as applied to claims 1, 12, 13 above, and further in view of Martini-Vvedensky et al (US-4473665).

Martini-Vvedensky et al discloses microcellular foam materials of polystyrene and polyester, among others having cell size from 2 to 25 microns. It would have been obvious to a person having ordinary skill in the art to provide the microcellular material as polystyrene and polyester and with cell sizes as taught by Martini-Vvedensky et al to take advantage of the characteristics of such materials including strength and lightness.

Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Martini-Vvedensky et al (US-4473665) and Cooper (US-6511010).

Applicant's admitted prior art discussed on pages 1-3 of the specification discloses a data storage tape cartridge with a tape reel. What is not disclosed is a tape reel formed of microcellular foam. Martini-Vvedensky et al discloses the desirability of microcellular foam including strength and lightness. Cooper discloses a reel having hubs 14 and flanges 12 formed of microcellular foam materials. In view of the prior art as a whole, it would have been obvious to a person having ordinary skill in the art to provide the material of the tape reel of the admitted prior art as microcellular foam as taught by Martini-Vvedensky et al (for strength and lightness) and Cooper (for applications in winding reels) to take advantage of the characteristics of such a material including rigidity. The average total waviness and the radial run-out would have been

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obvious matters of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria (such as required for a particular application), and costs (the ideal goal being zero waviness and radial run-out but may be cost-prohibitive). The wall thickness of the hub would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria (such as based on the amount and tension of the tape), space optimization (such as depending of cartridge size), and costs.

Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection.

As noted in the rejection above, the average total waviness and the radial run-out would have been obvious matters of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria (such as required for a particular application), and costs (the ideal goal being zero waviness and radial run-out but may be cost-prohibitive).

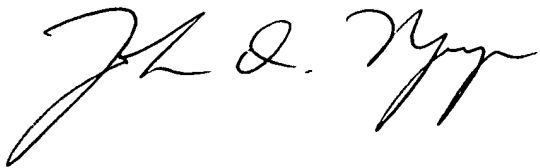
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen". The signature is fluid and cursive, with the first name "John" and last name "Nguyen" clearly distinguishable.

John Q. Nguyen
Primary Examiner
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